

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARCUS HILLIARD,)	
)	
Plaintiff,)	
)	Case No. 20-cv-1144
v.)	
)	Honorable Martha M. Pacold
NATIONAL BOARD OF MEDICAL)	
EXAMINERS , and LOYOLA)	Magistrate Judge Gabriel A. Fuentes
UNIVERSITY CHICAGO STRITCH)	
SCHOOL OF MEDICINE,)	
)	
Defendants.)	

DEFENDANT LOYOLA UNIVERSITY OF CHICAGO’S
MOTION TO DISMISS PORTIONS OF PLAINTIFF’S AMENDED COMPLAINT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(B)(6)

Defendant Loyola University of Chicago (“Defendant” or “Loyola”), incorrectly identified as Loyola University Chicago Stritch School of Medicine, by and through its attorneys, Monica H. Khetarpal, Kirsten A. Milton, and Priya P. Khatkhate of Jackson Lewis P.C., moves to dismiss allegations in Plaintiff Marcus Hilliard’s Amended Complaint pursuant to Federal Rule of Civil Procedure (“Fed. R. Civ. P.”) 12(b)(6) for failure to state a claim upon which relief can be granted, or in the alternative to strike those allegations pursuant to Fed. R. Civ. P. 12(f) (“Motion”) because they are time-barred:

1. On June 15, 2020, Plaintiff filed his Amended Complaint, alleging that Loyola discriminated against him by denying his requests for reasonable accommodations dating back to March 2015, and by denying him full and equal enjoyment of Loyola’s services, in violation of Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181, *et. seq.* (“ADA”).

2. There is no dispute that a two-year statute of limitations applies to Plaintiff’s legal claims.

3. Accordingly, Plaintiff had until two years from the date of his alleged harms – the denial of accommodations – to file a complaint against Loyola.

4. Plaintiff waited until June 15, 2020, more than four years after he matriculated at Loyola and years after much of the conduct he complains of, to file his lawsuit. Therefore, Paragraphs 14-18, 20-21, and 48-49 are untimely. Loyola moves to dismiss or in the alternative seeks to strike Paragraphs 14-18, 20-21, and 48-49 of the Amended Complaint.

5. Pursuant to Fed. R. Civ. P. 12(a)(4) Loyola requests fourteen (14) days after the Court rules on its Motion to file an Answer to Plaintiff's Amended Complaint, if needed.

WHEREFORE, for the reasons stated in this Motion and in its Memorandum of Law in support of this Motion, Defendant Loyola University of Chicago respectfully requests an order (1) granting its Motion to Dismiss Portions of Plaintiff's Amended Complaint, or in the alternative to strike portions of Plaintiff's Amended Complaint, and (2) giving Loyola fourteen (14) days from the date this Motion is decided to file an Answer to the Amended Complaint if any is required, and for any other or additional relief this Court deems just and proper.

Dated: September 4, 2020

Respectfully submitted,

LOYOLA UNIVERSITY OF CHICAGO

By: /s/ Monica H. Khetarpal
One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on this 4th day of September, 2020 a true and correct copy of the foregoing Defendant Loyola University of Chicago's Motion to Dismiss Portions of Plaintiff's Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) was filed electronically and electronically served to all parties registered to receive service by CM/ECF.

/s/ Monica H. Khetarpal
Monica H. Khetarpal